

REMARKS

In the September 22, 2005 Office Action, claim 8 was rejected as allegedly failing to provide a proper antecedent basis. In particular, the Examiner objected to the Applicant's use of the "first database" and the "second database."

Additionally, claims 1-8 and 10-17 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Application 2003/0005449 to McKenna et al. (hereinafter "McKenna"). Also, claim 9 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McKenna in view of U.S. Patent No. 5,907,715 to Stoel et al. (hereinafter "Stoel"). Applicant respectfully traverses all rejections of record.

By the foregoing amendment, claims 8 and 10 have been amended to correct informalities.

Remarks in Response to the Rejection based on a Lack of Antecedent Basis

Claim 8 was rejected as allegedly failing to provide a proper antecedent basis. In particular, the Examiner objected to the Applicant's use of the "first database" and the "second database." Applicant has amended claim 8 to recite the "particular database" and the "further database." The "particular database" has an antecedent basis in claim 1, and the "further database" has an antecedent basis in claim 8. Applicant respectfully submits that amended claim 8 is definite and requests that the rejection be removed.

Remarks in Response to the Rejections under 35 U.S.C. § 102(e)

Claims 1-8 and 10-17 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated McKenna.

Independent claim 1 is directed to a method for conducting a first survey using a first interactive item selection system and conducting a second survey using a second interactive item selection system which comprises, *inter alia*:

receiving or generating the first survey, wherein the first survey is associated with at least one of a product offered by a first entity to a user of the first interactive item selection system and a service performed by the first entity for the user of the first interactive item selection system;

storing the first survey and the second survey;

displaying a particular item of the first interactive item selection system on the viewing surface of the first television, wherein the particular item is associated with the first survey;

receiving an electronic request for the first survey when the user of the first interactive item selection system selects the particular item;

displaying at least one portion of the first survey on the viewing surface of the first television after receiving the electronic request for the first survey;

receiving an electronic response to the first survey from the user of the first interactive item selection system;

storing the response to the first survey and the response to the second survey in a particular database.

McKenna describes a method of delivering digital entertainment content

("DEC"), such as movies, from a home base via satellite to individual lodging properties. (See, McKenna, Abstract). McKenna does not disclose or even remotely suggest "receiving or generating the first survey, wherein the first survey is associated with at least one of a product offered by a first entity to a user of the first interactive item selection system and a service performed by the first entity for the user of the first interactive item selection system." The Examiner, at page 3 of the Office Action, argues that this element is disclosed in McKenna by stating that, "Hotel/Site 18-1 generates a history or survey." Applicant respectfully disagrees. First, McKenna does not anywhere disclose generating a "survey," and, second, McKenna's "history" is completely different than a "survey." McKenna describes a "history" directory which is used to keep track of which DEC files have been downloaded to a certain cite. (See, McKenna, page 3, paragraph 0026). The history directory is a listing of zero byte files having the same name as the DEC content files which have already been downloaded and is checked to determine whether to download a DEC file. If the DEC file that is to be downloaded already exists in the history directory, then the site will not download the file. (See, McKenna, page 3, paragraph 0026). Therefore, McKenna fails to disclose or suggest receiving or generating a survey per the claimed invention.

Similarly, McKenna does not disclose or suggest "storing the first survey and the second survey." The Examiner alleges that paragraphs 0016-0018 and 0031-0032 of McKenna disclose this claim element. Paragraphs 0016-0018 describe a description of home base 12, the uplink facility 14, and site 18, but do not disclose, mention, or even suggest storing a first and second **survey**. Paragraphs 0031-0032 describes the delivery of DEC and the benefits of using satellite delivery of movies over

the prior art which required video cassette players and the requirement of service personnel visiting each site each month. These paragraphs additionally fail to disclose or suggest “storing the first and second survey.”

Further, McKenna does not disclose or suggest “displaying a particular item of the first interactive item selection system on the viewing surface of the first television, wherein the particular item is associated with the first survey.” The Examiner alleges that paragraphs 0029-0032 of McKenna disclose this element. Paragraph 0029 describes how the guest interacts with welcome channel. Paragraph 0030 describes the use of a “schedule import file” which provides guests with the onscreen menus and messages. These paragraphs fail to disclose displaying an item which is associated with the first **survey**. Paragraphs 0031-0032 have been discussed above and also fail to disclose or suggest displaying an item which is associated with the first **survey**.

McKenna fails to disclose or suggest “receiving an electronic request for the first survey when the user of the first interactive item selection system selects the particular item.” The Examiner alleges that this element is disclosed by stating that “Guest of Hotel/Site 18-N interacts to purchase or order the interactive service, using a series of interactive display menus.” (*See* Office Action, page 4). Applicant respectfully disagrees. As discussed above McKenna describes a system for delivering DEC which is different than Applicant’s survey. McKenna uses a series of display menus so that a guest may request DEC, but McKenna nowhere discloses or suggests receiving a request for a **survey**.

McKenna fails to disclose or suggest “displaying at least one portion of

the first survey on the viewing surface of the first television after receiving the electronic request for the first survey.” The Examiner alleges that this element is disclosed by McKenna’s “Customized Schedule files for Hotel/Site 18-1.” (*See* Office Action, page 5). Applicant respectfully disagrees. First, McKenna does not disclose or suggest displaying a portion of the first **survey**, and, second, McKenna’s schedule file is completely different than a survey as described and claimed in the present application. McKenna’s schedule files, which are associated with DEC, are delivered to a hotel with the DEC. The schedule files include fields of data which are used to format menus to customize a schedule of service. For example, the schedule file associated with a movie includes the category of the movie, the movie rating, the purchase price of the movie, and the start and end date of the movie. This data is used to determine which movies to offer the hotel guests. (*See*, McKenna, paragraphs 0028-0030). Therefore, McKenna does not disclose or suggest displaying a portion of the first **survey**.

McKenna fails to disclose or suggest “receiving an electronic response to the first survey from the user of the first interactive item selection system.” The Examiner alleges that paragraphs 0029-0032 disclose this element. Applicant respectfully disagrees, as these paragraphs (*See*, this response, pages 11-12) do not disclose or suggest receiving a response to a **survey**.

Finally, McKenna fails to disclose or suggest “storing the response to the first survey and the response to the second survey in a particular database.” The Examiner alleges that paragraphs 0020-0023 disclose this element. Paragraph 0020 describes the use of “sites files” which are attached to each DEC file and indicate which hotels should receive the DEC files. Paragraph 0021 describes the uplink list which

regulates which files are to be broadcast over the satellite uplink. Paragraph 0022 describes how DEC files are transmitted. Paragraph 0023 describes the digital content receiver which stores encrypted DEC files which have been received. These paragraphs, however, do not disclose or even suggest storing **survey** responses in a database.

Accordingly, because McKenna fails to disclose each and every element of claim 1, either expressly or inherently, this reference cannot anticipate the claimed invention. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) be withdrawn and claim 1 be allowed.

Independent claim 10 includes similar limitations to claim 1, including, *inter alia*:

means for storing the survey in an electronic format, wherein the survey is associated with at least one of a product offered by a particular entity to a user of the interactive item selection system and a service performed by the particular entity for the user of the interactive item selection system; and

a central web server coupled to the means for storing and configured to:

receive an electronic request for the survey from the user via a processor when the user selects a particular item of the item selection system, wherein the processor is coupled to the central web server and the television, the processor is located remote from the central web server, and the particular item is associated with the survey;

transmit the survey to the processor after receiving the electronic request, wherein the processor is configured to display at least one portion of the survey on the viewing surface of the television after receiving the survey; and

receive an electronic response to the survey from the user of the interactive item selection system via the processor.

Independent claim 17 also includes similar limitations including, *inter alia*:

means for storing the first survey and the second survey in an electronic format, wherein the first survey is associated with at least one of a product offered by a first entity to a user of the first interactive item selection system and a service performed by the first entity for the user of the first interactive item selection system, wherein the second survey is associated with at least one of a product offered by a second entity to a user of the second interactive item selection system and a service performed by the second entity for the user of the second interactive item selection system, and wherein the first entity and the second entity are separate entities; and

a central web server coupled to the means for storing and configured to:

receive an electronic request for the first survey from the user of the first interactive item selection system via a first processor when the user selects a particular item of the first item selection system, wherein the first processor is coupled to the central web server and the first television, the particular item is associated with the first survey, and the first processor is located remote from the central web server;

transmit the first survey to the first processor after receiving the electronic request for the first survey, wherein the first processor is configured to display at least one portion of the first survey on the viewing surface of the first television;

receive an electronic response to the first survey from the user of

the first interactive item selection system via the first processor.

Therefore, for at least the same reasons as discussed above with respect to claim 1, because McKenna fails to disclose each and every element of claims 10 and 17, either expressly or inherently, this reference cannot anticipate the claimed invention.

Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 102(e) be withdrawn and claims 10 and 17 be allowed

All other pending claims depend from claims 1 or 10. Therefore, for at least the reasons stated above and by virtue of their dependency from claims 1 or 10, , Applicant respectfully requests that these rejections under 35 U.S.C. § 102(e) be withdrawn and claims 2-8 and 11-16 be allowed.

Remarks in Response to the Rejections under 35 U.S.C. § 103(a)

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103, not only must the prior art disclose or suggest each element of the claim, the prior art must also suggest combining the elements in the manner contemplated by the claim.

Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir.), *cert. denied* 111 S.Ct. 296 (1990); *In re Bond*, 910 F.2d 831, 834 (Fed. Cir. 1990).

Claim 9 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McKenna in view of Stoel.

Claim 9 depends on claim 1, and, thus, for the same reasons as above, the combination of McKenna and Stoel does not disclose or suggest each and every element of claim 9. Accordingly, Applicant respectfully requests that claim 9 be allowed.

Notwithstanding this fact, claim 9 is directed to a method for conducting a

first survey using a first interactive item selection system and conducting a second survey using a second interactive item selection system which comprises, *inter alia*:

wherein the first survey includes a first plurality of questions and the second survey includes a second plurality of questions, wherein the first plurality of questions and the second plurality of questions are substantially the same questions.

The Examiner admits McKenna fails to disclose that the first survey and the second survey includes a plurality of questions. (*See*, Office Action, page 7). The Examiner alleges, however, that Stoel suggests this element by stating that Stoel discloses “a system which interrogates each guest terminal during the normal operation through a series of system interrogations to enable the guest terminals to reply accordingly to the interrogation and further polls the guest response.” Applicant respectfully disagrees. First, Stoel fails to disclose or even remotely suggest a first or second **survey**, and, second, Stoel does not disclose a plurality of questions. Stoel describes a system for collecting user inputs by interleaving game interrogations into a series of system interrogations in order to enable an entertainment system to provide video game signals along with other entertainment services to guest terminals using a single distribution system. (*See*, Stoel, Abstract). Stoel does not disclose or even remotely suggest a **survey** or even a plurality of **questions**. Stoel describes a polling process which transmits a series of interrogations to the guest terminals. Stoel’s polling process, however, is not the same as a **survey**, and Stoel’s interrogations are not the same as questions. Instead, Stoel’s polling process is the system used to obtain the user’s keystrokes entered in a controller (for example, the user presses channel up to change the channel). (*See*, Stoel, column 4, lines 10-13). Additionally, Stoel’s interrogations are

just requests for the keystroke information. (*See*, Stoel, column 4, lines 14-26). The system interrogates the guest terminals at the rate of 240 interrogations per second. (*See*, Stoel, column 11, lines 32-36). Thus, for this additional reason, the combination of McKenna and Stoel fails to disclose or suggest each element of the claim, and, therefore, Applicant respectfully requests that claim 9 be allowed.

Additionally, Applicant disagrees with the Examiner's combination of the Stoel reference with the McKenna reference. The Examiner's purported motivation to combine Stoel with McKenna is that "it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Stoel into the system of McKenna to provide additional services to the guest terminals based on the response received from various interrogations." (See Office Action, page 8). McKenna is directed to a method for delivering DEC via a satellite to individual lodging properties in which the encrypted files are sent from a home based to be stored on digital content server at each site. Stoel is in a completely different technical field and is directed to a method of enabling video games to be played in hotel rooms by interleaving game interrogations with system interrogations to allow a single system to provide video game signals along with other entertainment and services to each hotel room. Accordingly, there would be no reason for one skilled in the art viewing the McKenna reference to look to the Stoel reference because there is no suggestion in either of the references that the two references be combined in the manner proposed by the Examiner. Applicant therefore respectfully submits that the Examiner's combination of references is improper. For at least this additional reason, Applicant respectfully requests that claim 9 be allowed.

CONCLUSION

In view of the foregoing amendments and remarks, favorable consideration and allowance of all pending claims 1-17 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



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